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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,097	02/08/2002	Graham Haley	CISCO-5183	9463

7590

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EXAMINER

BURGESS, BARBARA N

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/072,097

Applicant(s)

HALEY ET AL.

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuck et al. (hereinafter "Tuck", US Patent Publication 2004/0249975 A1).

As per claims 1, 12, 23, 34, Tuck discloses in a local area network (4tAN") system comprising at least one client, a method for automatically assigning a MAC address to said at least one client comprising a client-side method, processor and memory, and program instructions, wherein said client-side method, processor and memory, and program instructions comprises:

- Selecting a MAC address (paragraph [0020]);
- Monitoring broadcasts of MAC address advertisement frames (paragraph [0014]);
- Determining whether any of the monitored MAC address advertisement frames were the same as the selected MAC address (paragraph [0063]);

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- Broadcasting a selected MAC address request frame, if it is determined that none of the broadcast MAC address advertisement frames were the same as the selected MAC address (paragraph [0070]);
- Determining whether a MAC address response frame was received (paragraph [0066]);
- Broadcasting a selected MAC address advertisement frame if no MAC address response frame was received (paragraphs [0059-0060]).

As per claims 2, 13, 25, 35, Tuck discloses the method, processor and memory, and program instructions of Claims 1, 14, 24, 34, wherein said client-side method further comprises:

- Determining whether a duplicate MAC address frame was received (paragraphs [0054-0056]);
- Monitoring again broadcasts of MAC address advertisement frames if no duplicate MAC address frame was received (paragraphs [0062-0065]);
- Determining whether any broadcasts of MAC address advertisement frames were of said selected MAC address (paragraphs [0070-0073]);
- Sending a duplicate MAC address frame, if it is determined that there was a broadcast of a MAC address advertisement frame of said selected MAC address (paragraphs [0078-0080]);
- Returning to the act of broadcasting MAC address advertisement frames (paragraphs [0083-0087]).

As per claims 3, 14, 25, 36, Tuck discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said client-side method further comprises:

- Determining whether any of said at least one server confirm the availability of said selected MAC address if a MAC address response frame was received (paragraphs [0077-0080]);
- Employing said MAC address (paragraphs [0050-0053]);
- Proceeding to said act of broadcasting said selected MAC address advertisement frame (paragraphs [0065-0070]).

As per claims 4, 15, 26, 37, Tuck disclose the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said client-side method further comprises rejecting said requested MAC address if a duplicate MAC address frame was received (paragraphs [0059-0062]).

As per claims 5, 16, 27, 38, Tuck discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said client-side method further comprises

discloses indicating a waning message if no server confirms the availability of said selected MAC address (paragraphs [0071-0073]).

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As per claims 6, 17, 28, 39, Tuck discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said client-side method further comprises indicating a warning message if a duplicate MAC address frame is received (paragraphs [0069-0068]).

As per claims 7, 18, 29, 40, Tuck discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said client-side method further comprises:

returning to the act of selecting a MAC address if no server confirms the availability of the selected MAC address (paragraphs [0077-0079]).

As per claims 8, 19, 30, 41, Tuck discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said client-side method further comprises:

returning to the act of selecting a MAC address if a duplicate MAC address frame was received for the selected MAC address (paragraphs [0085-0086]).

As per claims 9, 20, 31, 42, Tuck discloses at least one server, a method for automatically assigning a MAC address to said at In a local area network (LAN) system comprising at least one client, processor and memory, and program instructions and least one client, processor and memory, and program instructions comprising:

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- monitoring broadcasts of MAC address advertisement frames (paragraphs [0058-0061]);
- Determining whether any in-use MAC addresses were requested in any MAC address request frames (paragraphs [0062-0066]);
- Sending an MAC address response indicating that the MAC address requested is available if the requested MAC address is available (paragraphs [0065-0070]).

As per claims 10, 21, 32, 43, Tuck discloses the method, processor and memory, and program instructions of Claims 9, 20, 31, 42, wherein said method further comprises:

- Monitoring broadcasts of MAC address advertisement frames (paragraphs [0072-0074]);
- Developing an in-use MAC address database (paragraphs [0070-0072]);
- Sending an MAC address response indicating that the MAC address requested is available if the requested MAC address is available (paragraphs [0079-0081]).

As per claims 11, 22, 33, 44, Tuck discloses the method, processor and memory, and program instructions of claims 10, 21, 32, 43, wherein said method further comprises sending an MAC address response indicating that said requested MAC address is not available (paragraphs [0081-0085]).

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Publication 2002/0073182 A1


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

September 2, 2005

  
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